

Appl. No.: 10/690,793  
Amdt. dated: 09/04/2009  
Reply to Office action of: 06/04/2009

### REMARKS / ARGUMENTS

In the Office action of June 4, 2009, claims 1-45 were rejected. The applicants request amendment of the application as indicated above and withdrawal of the rejection.

Claims 31-45 stand rejected under 35 U.S.C. 112 as indefinite because, according to the Office action:

1. The term "said object" in claim 16, line 7 and claim 31, line 6 lacks an antecedent basis and "it is not clear which object is being referred to with this object (i.e. the same object as the shared object? Another object?)." The applicants submit that if the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. *Energizer Holdings Inc. v. Int'l Trade Comm'n*, 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006), (MPEP 2173.05(e)). The only object identified in claims 16 and 31 prior to the recitation of "the object" is the shared object and it is recited immediately preceding the recitation of "the object" in the same phrase as the recitation of "the object. The applicants respectfully submit that a person of skill in the art would readily ascertain that "the object" recited in claims 16 and 31 is the "shared object" and, therefore, "the object" has an antecedent basis. However, to advance the prosecution of the application, amendment of claim 16, line 7, and claim 31, line 6 is requested, as indicated above, to replace "said object" with "said shared object." Withdrawal of the rejection is requested.

2. Claim 16, line 12 – "it is unclear what constitute that listener being able to identify an application (i.e. sending a message with the application ID? Updating a lock table that represents the shared resource status?)." The applicants submit that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004). Ordinary, simple English words whose meanings are clear and unquestionable, absent any indication that their use in a particular context changes their meanings, are construed to mean exactly what they say. MPEP 2111.01. Claim 16 recites a "listener being able to identify an application .... causing the event." The applicant submits that this means that the listener of the claim can "establish the identity of" (Merriam Webster's Unabridged Dictionary, copyright 2000) an application causing an event in a shared object and that the meaning of the words is clear and

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unquestionable. Exemplary methods of establishing an application's identity are described in paragraph [0085]. Withdrawal of the rejection is requested.

3. Claim 31, line 10 recites "at least one application running in a virtual machine." According to the Office action "it is unclear if it is second application and second virtual other than the application and virtual machine recited in line 6 or a second application running the virtual machine as of the first application." However, the applicants respectfully submit that the claim does not recite a "second application" or "second virtual" machine and the words of the claim are simple and mean exactly what they say; that is, the listener is associated with one or more than one application running in a virtual machine which may or may not be the same virtual machine as the virtual machine hosting the application that is capable of causing the event. The applicants submit that the meaning is clear and definite. Withdrawal of the rejection is requested.

4. Claim 31, line 12 recites "an associated application" and "it is unclear which application is an associated application (i.e. a second application? same application as of line 6?)." Claim 31, line 10 recites "a listener ... operably associated with at least one application" and the applicants submit that it is clear that "an associated application" in line 12 is an application with which the listener is operably associated but not the application causing the event even if the listener is associated with that application. The applicants respectfully submit that the words are simple, mean exactly what they say and the meaning is clear and definite. Withdrawal of the rejection is requested.

Claims 1-5, 8-10, 12-13, 16-20, 23-25, 27-28, 31-35, 38-40, 42 and 43 stand rejected under 35 U.S.C. 103(a) as unpatentable over Sorrentino et al., U.S. Patent No. 7080060 (Sorrentino); in view of Garyfalos et al., U.S. Patent Publication No. 20050013257 (Garyfalos) and in view of Veselov, U.S. Patent No. 7131120 (Veselov).

Cancellation of claims 1-15 is requested.

With regard to claim 16, the Office action asserts that Garyfalos discloses a listener that listens for an event and notifies a second application when a first application causes an event and, further, discloses that the listener is able to identify the application causing an event citing, without explanation, paragraphs [0030 and 0031]; paragraph [0128-0129]; and paragraphs [0131 - 0136]. Garyfalos, paragraph [0030] states that individual GAP

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announcements are considered to be part of a series of announcements and that the series of announcements is identified by an announcement thread ID which is included in the header of the announcement. According to paragraph [0031] the announcement header also contains a version number that identifies announcements in a thread and places the announcement in a time series. Paragraph [0032] indicates that the announcement header also contains a GAP protocol number and a "number of flags." Paragraphs [0128-0129] disclose that the GAP protocol does not define how a client will initially learn of an announcement so that it can ask the GAP listener to listen for it. To provide this functionality Garyfalos creates a "lookup & watch operation" enabling the application client to request notification of future changes in the state of an item when the application retrieves the item's current state. The watch part of the request returns a thread ID and a multicast address and the client can request that the listener monitor this event feed. According to paragraphs [0131] - [0135], the look up & watch operation is initiated when the client sends a request to the server specifying the entity and the entity's property in which the client is interested. When the server receives the watch message, it checks to see if the data is available, and, if so, reads the data from its data store for inclusion in a reply message to be sent to the client. If the data has an associated announcement thread it is also retrieved and, if not, a new announcement thread is allocated to the message but the GAP specification does not include the allocation of the announcement thread, version number or the construction of the payload. However, the applicant respectfully submits that claim 16 recites a listener that is able to identify an application, other than the application receiving the notice, as the application causing the event but nothing in the cited portions of Garyfalos indicates that the listener of Garyfalos is able to identify the application causing the event that is being reported by the look up & watch operation. The applicant submits that claim 16 is not obvious from Sorrentino and Garyfalos because neither discloses or suggests a listener as recited in the claim and withdrawal of the rejection is requested.

Claims 17 -20, 23-25 and 27-28 are, respectively, dependent from claim 16 or a claim dependent from claim 16 and each inherits all of the limitations of the claim(s) from which it respectively depends. The applicant submits that since claim 16 is not obvious from Sorrentino and Garyfalos for the reasons stated above; claims 17 -20, 23-25 and 27-28 are, likewise, not obvious. The applicant requests withdrawal of the rejection and the allowance of claims 17 -20,

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23-25 and 27-28.

With regard to claim 31, the Office action cites the portions of Garyfalos addressed above with respect to claim 16 and the applicants submit that for the reasons stated with regard to claim 16 that neither Sorrentino nor Garyfalos teaches or suggests a listener that is able to identify the application causing an event in the shared object and, more particularly, a listener able to identify the application causing an event from the header of the shared object.

The Office also asserts that Veselov discloses a listener that is able to identify an application causing an event from a header of a shared object, citing col. 2, line(s) 24-38; col. 5, line(s) 1-21; col. 7, line(s) 59 - col. 8, line(s) 17; col. 8, line(s) 46-65; and FIG. 7, reference 704. Veselov; col. 2, line(s) 24-38; discloses that the system and method of sharing a resource includes receiving a request for a resource in a locking repository and, in one embodiment, the request identifies the requestor and the shared resource requested. Col. 7, line(s) 59 - col. 8, line(s) 17 disclose that "a requestor application" can identify when the requestor application is locked to the shared resource by examining the slave or master locking repository within the requester application and, referencing FIG. 7, that the request 700 includes the requestor ID. Col. 8, line(s) 46-65 describes a method for checking the status of a shared resource in which a requester application requests a status report of a shared resource and the master locking repository responds with the identity of other applications having pending requests. Veselov discloses a method in which a request, which includes the identity of the application making the request, is transmitted by an inter-application communication method, such as JMS, to slave repositories in non-requesting applications and copied to those slave repositories. While the message delivered by the JMS listener may include the identification of the "requester" of an event in a shared object and the portions of Veselov cited by the Office action (col. 5, line(s) 15-21) indicate that the application receiving a request in its repository may be able identify the requestor of an event; claim 31, as asserted in response to the previous Office actions, recites a listener that is able to identify the application causing an event from the shared object's header but the requestor of Veselov is not the listener of Veselov and, further, Veselov does not disclose or suggest that the listener is able to identify the requestor of an event from the header of shared object or by any other means. The applicants respectfully submit that claim 31 is not obvious because none of Sorrentino, Veselov and Garyfalos disclose or suggest the listener

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recited in the claim. Withdrawal of the rejection is requested.

Claims 32 - 35, 38 - 40, 42 and 43 are, respectively, dependent from claim 31 or a claim dependent from claim 31 and each inherits all of the limitations of the claim(s) from which it respectively depends. The applicant submits that since claim 31 is not obvious from Sorrentino, Veselov and Garyfalos for the reasons stated above; claims 32 - 35, 38 - 40, 42 and 43 are, likewise, not obvious. The applicant requests withdrawal of the rejection and the allowance of claims 32 - 35, 38 - 40, 42 and 43.

Claims 21, 22, 36 and 37 stand rejected under 35 U.S.C. 103(a) as unpatentable over Sorrentino; in view of Garyfalos and in view of Veselov and in view of DeMaster, U.S. Patent No. 6066181 (DeMaster). Claims 21, 22, 36 and 37 are, respectively, dependent from one of claim 16 or claim 31 or a claim dependent from claim 16 or claim 31 and each inherits all of the limitations of the claim(s) from which it respectively depends. The applicant submits that since claims 16 and 31 is not obvious from Sorrentino, Veselov and Garyfalos for the reasons stated above and since De Master does not obviate the differences between claims 16 and 31 and Sorrentino, Veselov and Garyfalos; claims 21, 22, 36 and 37 are not obvious from the cited art. The applicant requests withdrawal of the rejection and the allowance of the claims.

Claims 26, 29, 30, 41, 44 and 45 stand rejected under 35 U.S.C. 103(a) as unpatentable over Sorrentino; in view of Garyfalos and in view of Veselov and in view of Barinov et al., U.S. Patent No. 2004/0025171 (Barinov). Claims 26, 29, 30, 41, 44 and 45 are, respectively, dependent from one of claim 16 or claim 31 or a claim dependent from claim 16 or claim 31 and each inherits all of the limitations of the claim(s) from which it respectively depends. The applicant submits that since claims 16 and 31 is not obvious from Sorrentino, Veselov and Garyfalos for the reasons stated above and since Barinov does not obviate the differences between the claims 16 and 31 and Sorrentino, Veselov and Garyfalos; claims 26, 29, 30, 41, 44 and 45 are not obvious from the cited art. The applicant requests withdrawal of the rejection and the allowance of the claims.

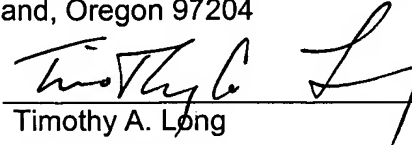
The applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that for any reason direct contact with applicant's attorney would

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advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,  
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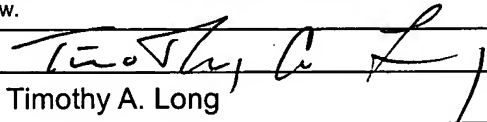
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